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ABSTRACT

Prepared by the District of Columbia Street Law Project for its 15th annual city-wide mock trial competition, this instructional handout provides the material for a deportation hearing. The Immigration and Naturalization Service denied political asylum to Toni Radcliffe and seeks authority to deport him. Radcliffe claims that the articles that he wrote criticizing his government's policies would result in persecution if he were forced to return. The handout clarifies the laws and explains the legal precedents. As evidence, the handout provides Radcliffe's petition for asylum; the opinion against asylum by the U.S. Department of State; a press statement from Radcliffe's home government; and witness statements from Toni Radcliffe, his uncle and father, the director of Global Human Rights Organization, the Under Secretary at the State Department's Bureau of Human Rights and Humanitarian Affairs, and a psychologist. Through participation in mock trials and analysis of the activity, students gain an insider's perspective on courtroom procedure and a basic understanding of the legal mechanism through which society resolves its disputes. Mock trials develop critical analysis, questioning and listening skills, and skills in preparing and organizing materials. (JD)

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1986 STREET LAW MOCK TRIAL MATERIALS

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Statement of Facts for 1986 City-Wide Mock Trial Competitions

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UNITED STATES DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

IN THE MATTER OF TONI RADCLIFFE

No. MT-86

Petitioner, Toni Radcliffe

Respondents, Immigration and Naturalization Service,
Edward Radcliffe

Stipulated Facts

Edward Radcliffe and his eldest child, Toni, arrived in the United States on July 20, 1983. Edward is the Town Manager of Andreas, a village in the country of Delmar. Edward came to Washington, D.C. to enroll in a two-year educational program at Georgetown University. His trip and tuition were funded by the governments of Delmar and the United States. Upon arrival, Edward and Toni were granted student visas. Remaining in Delmar were Edward's wife, Janet, and younger child, Maria.

Edward completed his studies in June of 1985 and departed for a six week trip to California to visit friends before returning to Delmar. Edward planned to return with Toni to Delmar at the end of September. While Edward was in California, Toni stayed in Washington, D.C. with Edward's brother, Samuel Noble.

On August 10, 1985, Edward returned from California. Two weeks later, on August 24, 1985, Edward Radcliffe reported that

Toni was missing after failing to return home that evening. Unknown to Edward, Toni had run away to the home of his Uncle Samuel. Samuel has lived in the United States since 1980 when he was granted political asylum.

The following day, August 25, 1985, the Washington Post newspaper and the United States Department of State received letters signed "Toni Radcliffe" requesting help in remaining in the United States. The the Washington Post published the letter in its August 26 edition. That same day representatives from the U.S. State Department interviewed Toni to determine whether the letters were authentic and whether Toni was attempting to apply for political asylum. On August 27, 1985 the Delmarian Ambassador issued a press release in response to Toni's letters. Toni officially applied to the U.S. Immigration and Naturalization Service for political asylum under the Refugee Act of 1980. The asylum application claimed that, if forced to return to Delmar with Edward, Toni would be prevented from receiving higher education, considered a threat to the present government, and would likely be persecuted for public statements against the Delmarian government made while in the United States.

While the asylum petition was pending before the Immigration and Naturalization Service, Edward Radcliffe retained Dr. Daniel Lewis, a psychologist in private practice in Washington, D.C., to examine Toni and make an evaluation of Toni's decision to remain in the United States. Daniel Lewis interviewed Toni Radcliffe,

Edward Radcliffe and Samuel Noble between September 8 and September 15, 1985.

On September 16, 1985 the U.S. State Department issued its recommendation against granting political asylum. On September 19 the Washington, D.C. District Director of I.N.S. denied Toni Radcliffe's asylum petition. The I.N.S. then instituted deportation proceedings against Toni. Toni responded by raising the asylum issue in the deportation proceeding. The asylum issue is the only issue to be decided in this case. Edward Radcliffe filed a petiton to intervene as a party to this action. The petiton has been granted.

Delmar is a country inhabited by 2 million people. Since its independence in 1968, democracy has come under increasing strains. The occasional elections held have always been subject to widespread fraud by the government in power. In 1977, the United States backed a bloodless coup by the armed forces which installed President Jordan as dictator.

During the period 1977-1983 the regime undertook to secure power and eliminate dissent through a series of repressive measures. Most importantly was the enactment of the National Security Act which makes it a crime punishable up to life imprisonment to "advocate political, social, or economic change or to commit any act, if the act is done with the intent to endanger the maintenance of order." Violators of the law can also be held in detention without trial for up to one year.

Political parties remain formally dissolved and basic freedoms of speech and assembly are restricted, although some political activity, criticism and limited press discussion are tolerated.

Following two years of relative calm, Delmar suffered a moderate increase in violence beginning in 1983 continuing to the present time. Opponents to the government have undertaken mass demonstrations, bombings, and assassinations. While an increasingly active National Patriotic Front (N.P.F.) party has claimed credit for some of these incidents, their involvement in others has not been established.

Legal Authorities

Sec. 208(a): Refugee Act of 1980

"The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney general determines that such alien is a refugee within the meaning of Section 101(a)(42)(9)."

Sec. 101(a)(42): Refugee Act of 1980

"The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to

return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

Hart v. I.N.S. Dist. Ct. (1982)

The applicant, a 24 year old male national of Tonga, was denied asylum where his claim was that if returned to Tonga, he would not be able to obtain a job because of the economic conditions there. The court stated, "the relief of asylum in the United States depends on something more than generalized economic disadvantage."

Korsicof v. I.N.S. Dist. Ct. (1985)

"When a minor seeks political asylum over the objections of his family, the court must ensure that both parties, the parents, and the child receive an adequate opportunity to assert their interests.... Minors have constitutional rights which the government must respect. The minor's rights grow more compellingwith age - the ability of a young person to decide to which politival system he professes allegience, necessarily increases with age. We do not suggest that every twelve year old entertains serious political views; we would, however, suggest that many seventeen year olds do."

Matter of Kent Dist. Ct. (1981)

A 22 year old single female national of El Salvador was granted asylum when she established that she would be persecuted as a former student at the National University of El Salvador. She was a member of the "University Reformers" which advocated an open, independent, and free educational system. Her petition was initially denied by the District Director of the I.N.S. and the U.S. State Department advised against granting asylum. The immigration judge granted asylum based on information from Global Human Rights and testimony that student activists, as a group, were subject to persecution. It was helpful to the petitioner's case that several relatives, one of whom was a former student, had been killed.

Statement of Claim

Toni Radcliffe, the Petitioner, requests the Immigration and Naturalization Service:

(1) to declare that there is a well founded fear that Toni Radcliffe, if returned to Delmar, would be persecuted on account of political statements made while in the United States; and

(2) to declare Toni Radcliffe a "refugee" within the meaning of the Refugee Act of 1980, section 101(a)(42)(A); and

(3) to grant Toni Radcliffe political asylum within

Washington, D.C. and the United States.

The Respondents, the Immigration and Naturalization Service and Edward Radcliffe oppose the petition and request the I.N.S.:

(1) to deny the request for asylum by Toni Radclifee and any other relief sought by the petitioner

A hearing date has been scheduled before an Immigration Judge at the Immigration and Naturalization Service on the above claims.

Witnesses

For the Petitioner

1. Toni Radcliffe, petitioner
2. Samuel Noble, uncle of Toni Radcliffe
3. Kim Eller, Executive Director, Global Human Rights **

For the Respondents

1. Edward Radcliffe, father of Toni Radcliffe
2. Chris Wallich, Under Secretary, U.S. Department of State **
3. Daniel Lewis, Ph.D., Psychologist **

Exhibits

The parties have stipulated to the authenticity of each of the following documents:

A. Letter from Toni Radcliffe seeking asylum

B. Advisory Report from the U.S. State Department on Toni Radcliffe's asylum petition

C. Press release of August 27, 1985 of Ambassador Gomar, Republic of Delmar

** The parties have stipulated to the expertise of these

witnesses in their respective fields of employment.

Affidavit of Toni Radcliffe, Witness for the Petitioner

My name is Toni Radcliffe. I am 16 years old. I am presently living with my uncle, Samuel Noble at 2021 Franklin Street, N.E.. Washington, D.C.

I have been in Washington, D.C., for the past two years while my father, Edward Radcliffe, has been studying at Georgetown University. I have decided that I want to stay in the United States and not return to my home country of Delmar. I like it very much here in America. I enjoy watching American television, eating American food and I have met many good friends here, especially Fran Mathews, whom I like very much. We spend as much time together as my father will let us. Fran and I are in the same classes at school so we study together. We also enjoy doing things together outside of school like going to the movies and concerts. When I finish school, I will be able to get a better job in the United States, and live a better life than in Delmar. People are much poorer in Delmar.

Since coming to America, I have become increasingly opposed to the present government in Delmar. I remember when I first came to school I wrote an essay in my social studies class supporting the Delmarian government. Since then I have learned a lot about democracy, and I have seen how it compares to life under the government dictator, President Jordan, in Delmar. After reading the U.S. Declaration of Independence I realize that the situation in Delmar is very similar to that of America before

the American Revolution. Citizens in Delmar do not have the fundamental rights and liberties they deserve.

This past summer, I lived with my uncle Samuel Noble, who teaches at the University of the District of Columbia. I attended many of his lectures and we discussed the political situation in Delmar. I respect what my uncle has done in leaving Delmar. He is a very brave man. I believe that his proposed solution -- the overthrow of the Delmarian government -- is the only solution to the problem in my country. I would like to work in America to support that solution and fear that if I return to Delmar, I will be put in jail and not allowed to go to the University.

While I love my family, I do not wish to return to Delmar. I know that I will miss my sister, Maria, and my mother who are still in Delmar, but I am willing to give up contact with them for freedom. I am also tired of following my father's strict rules regarding my life. He does not like Fran Mathews and tries to stop us from seeing each other. He does not like me watching American television or spending time with my other friends here. He no longer understands me and why I want to remain in the United States. At the same time, I no longer respect him. He is caught up in his own career and is being manipulated by the Delmarian government in order to quiet any opposition to their policies.

For example, my father finished his studies last May and we were originally supposed to return to Delmar at the end of September. When my father told me that he was going to California I thought it would be nice for me to go along. I will be going to college soon and that would have given me an opportunity to visit some schools. My father didn't even ask me to go. Instead, from June through August, I lived with my uncle while my father visited California. During this time, I finally decided I would not return to Delmar. When my father returned at the end of August, I explained to him why I wanted to remain. He said that I had been brainwashed by my Uncle Samuel and that I must follow what my father wants for me.

On August 24, I made my decision and ran away from home. I went to my Uncle Samuel and asked for help. He agreed to help me and suggested I write a letter to the State Department and Washington Post newspaper requesting asylum. I was very nervous and wasn't sure exactly what to write, so he helped me draft the letter I sent.

I am fearful that if I am forced to return to Delmar, the government will take action against me for what I have said in America against the government. This has happened to others I know. My Uncle Samuel's son, Oscar, who is 22 has been denied admission to the University. I am sure this is because of his father's political activities. Oscar also supports the opposition party N.P.F. in Delmar. I also have heard of the case

of William Zadik. He went to school in England, gave a speech against the government and when he came home, he was arrested and is now in prison. If I was to return to Delmar, I am afraid that the same thing will happen to me.

Since coming to America I feel I have grown up quite a bit. I am old enough to make decisions about my life. I realize that this is an extremely important decision, however I have no other choice. I want to stay in America and help my country.

Affidavit of Samuel Noble, Witness for the Petitioner

My name is Samuel Noble. I live at 2021 Franklin Sreet, N.E., Washington, D.C. I am a Professor of Political Science at University of the District of Columbia. I have been teaching at the college for four years. I am Edward Radcliffe's older brother.

In 1980, I applied for and was granted political asylum in the United States. At that time, I was an active member of the National Patriotic Front (N.P.F.) party. The N.P.F. is an opposition party to the Delmarian government. The party has two sections; a political unit and an armed guerilla unit. I was in charge of public information for the political unit. The national government views the N.P.F. as communist backed. This is false. We believe in true democracy, shared wealth and individual rights. This is not the policy of President Jordan's government.

Prior to 1980, the NPF was active in several areas in the country and was successful in numerous military campaigns against the Delmarian armed forces. With the imposition of a state of emergency in 1979, our activities were curtailed, and I was arrested and jailed. In 1980, I escaped and fled to the United States. Upon arrival in the United States I changed my last name from Radcliffe to Noble for fear of possible retaliation against me in the United States.

While I no longer live in Delmar, I hope to return one day to my homeland. In the meantime, I remain violently opposed to and advocate by whatever means the overthrow of the present Delmarian government.

For the present, it makes little sense to speak of rights in Delmar. The reality is that under the National Security Act, every right may be denied if the authorities so choose. Because of my political activities my own son, Oscar, was denied admission to the University which almost all citizens attend. After I fled in 1980 Oscar was held in detention for 30 days and questioned in an abusive manner by the police. He has been harassed repeatedly. That is why I am fearful of Toni returning to Delmar.

Being their only relative in the U.S., I have seen Toni and Edward frequently since they arrived here. When Edward went to California in June, Toni stayed with me until Edward returned at the end of-August. During this time, Toni attended some of my lectures at the college, and we discussed the future of Delmar. It was during one of these discussions that Toni told me for the first time that he did not want to return to Delmar with Edward. As Toni is a bright child, I suspected for a long time that this might happen.

When Edward returned from California, I tried to convince Edward to allow Toni to stay with me and apply for citizenship in the U.S. Edward refused, and we ended up in a heated argument about Toni and Delmar. Edward believes some of the things that

the government does are wrong but he is for gradual peaceful change. I believe that will never come, especially in light of continual election frauds and violation of citizens' human rights. The upshot of the argument was that Edward told me to leave Toni alone and not to go near them before they left for Delmar at the end of September.

The next thing I know it is August 24 and Toni is knocking at my door in the middle of the night. He told me he had run away from home and wanted to remain in the U.S. He asked me to help him, and I said I would do whatever I could. I believe that a 16 year old is old enough to make up their own mind.

The following day, I suggested that a letter be written to the Washington Post Newspaper and the United States State Department. Toni was still pretty shaken up, so I helped him write the letters requesting asylum.

Toni is very bright and seems to have adapted extremely well to living in the United States. He is doing well in school and has plenty of friends. I am afraid that if Toni returns to Delmar there will not be a similar opportunity. Given Toni's connection to me and the public letters, I am sure the Delmarian government will take some type of action against Toni if they get the chance.

Kim Eller Witness for the Petitioner

My name is Kim Eller. I am 39 years old. I live at 717 Hamlin Road, Arlington, Virginia. I have been the executive director of the Global Human Rights Organization for 6 years.

Global Human Rights is an international group which monitors human rights in nations all over the world. Global Human Rights is independent of any government, political grouping, ideology, economic interest or religious creed.

With respect to the nation of Delmar, G.H.R. continues to be very concerned. Although we received fewer reports of abuses in the last couple of years, Global Human Rights remains concerned about numerous human rights violations, including arbitrary arrest and torture. During the last three years, the following reports of abuse occured:

	1985	1984	1983
Detention without trial	150	220	500
Torture while being detained	87	110	250
Disappearances	400	340	150

In March, the state of emergency which had been lifted in September 1983 was reimposed. Further, the National Security Act continues to be used to detain people without charge who "advocate political, social or economic change or commit an act

which endangers the maintenance of law and order." The penalty can be anywhere from five years to life in prison.

During 1985, dozens of people, including a number of children, died as a result of political violence; among them were people taking part in political demonstrations, and several members of the security forces who were reportedly killed by opposition groups. There were conflicting explanations for some deaths; which the government said resulted from armed confrontations with members of the security forces, and from people being blown up while planting bombs. Opposition groups, such as N.P.F., contend that some of these deaths resulted from government "death" squads.

In my opinion, it would be likely that if Toni Radcliffe returned, the Delmarian government would institute some type of reprisal action. The National Security Act, for example, has been used often against university staff and students and opposition politicians. While never invoked against a minor, the Act has been used to prosecute many adults who have either criticized the government in speeches or in writings. For example, in one case in which Global Human Rights was involved a Delmarian citizen, age 21, went to school for a year in England in 1983. During his time there, he engaged in public debates with another Delmarian student in which he criticized President Jordan and said "only armed resistance can bring justice to citizens of Delmar." Upon returning to Delmar, the student was

arrested and was prosecuted and convicted under the National Security Act. Since 1984 he has been serving a five year jail term.

There is also strong evidence that Toni will be prosecuted. On August 26, 1985, when the letter Toni wrote was published in the Washington Post, the Delmarian Ambassador issued a press statement saying that statements like Toni's are in violation of the law of his country, and Toni will be subject to possible prosecution upon his return.

Chris Wallich, Witness for the Respondents

My name is Chris Wallich. I am 41 years old. I live at 215 East Carolina Drive, Rockville, Maryland. I am currently Under Secretary at the State Department's Bureau of Human Rights and Humanitarian Affairs. I have been in this position for the past six years.

In its advisory opinion, the State Department recommends that Toni Radcliffe not be granted political asylum, but rather be returned to Delmar with Mr. Radcliffe. The decision to grant or not to grant asylum is difficult and it must take into account a country's history, culture, and current political environment. Human Rights concerns must be balanced with other United States interests.

Delmar is a developing country with serious economic and social problems -- including a high rate of illiteracy, poverty, malnutrition and inadequate health care. Freedom of speech, press, religion and assembly are restricted to some degree based on the government's perceived security needs. Legal guarantees against arbitrary arrest or imprisonment, and against torture or degrading treatment are on the books but sometimes they are suspended in cases of national security. This has been the situation in Delmar as a result of continual terrorist activity by the National Patriotic Front. In addition the administration of justice is hindered by an overburdened and inadequately financed court system.

Much progress in human rights has occurred in recent years as a result of better economic conditions and the stabilization of internal Delmarian affairs. It is also the result of the United State's policy of working behind the scene and not criticizing the Delmarian government excessively in public. When necessary, however, we do speak up against violations of human rights and election fraud. We also provide economic aid to counter funds being sent by communist nations to the N.P.F. guerillas.

On August 25, the State Department received a letter, seemingly from Toni Radcliffe, requesting political asylum. The following day Toni was interviewed. On the basis of that interview, it is the Department's opinion that this is an internal family matter and not appropriate for governmental action. This opinion is based on the fact that Toni has had ongoing disagreements with Edward Radcliffe concerning family rules and personal friends. Toni appears to be attracted to the lifestyle in the United States and future economic opportunities.

Toni's opposition to the Delmarian government has only surfaced since the overbearing influence of Samuel Noble an embittered exile. There is no evidence that Toni adopted these attitudes prior to spending a great deal of time with the uncle. It is our opinion that if Toni returns to Delmar with Edward, Toni will see the other side.

Though there have been some political prosecution in Delmar in recent years, there is no definite evidence that Toni will be persecuted upon return to Delmar. Human Rights violations have decreased in recent years and the State Department has been told by the Delmarian Ambassador that no retaliatory action against Toni is contemplated at this time.

Based on these facts the Department of State believes that Toni is not in danger and the asylum request should be denied. This action will be viewed positively by the government of Delmar and will further our foreign relations with the country and be an important step toward the furtherance of human rights in that country.

Edward Radcliffe, Witness for the Respondents

My name is Edward Radcliffe. I am 46 years old. I live at 1553 Somerset Drive, N.W., Washington, D.C. I have just completed two years of studies in Urban Planning at Georgetown University.

I am a citizen of Delmar. I was born there and I desire to return with my family. I serve as the Town Manager of Adreas, a town of 15,000 in central Delmar. I am not by nature a political man. I am a hard worker who believes that all those who work hard will be rewarded in the end.

As Town Manager, I have helped bring about improved conditions for everyone. We have better housing, improved schools, and adequate health care. These have been accomplished not through violence but through initiative and hard work. Our efforts have paid off. In fact, the government of Delmar along with the United States government is paying all my expenses in the United States in order that I may return and bring back to Andreas what I have learned here.

Those who advocate violent revolutions, like the National Patriotic Front and my brother Samuel, forget that the result of such violence is further destruction of the country and its people. A better approach is to seek non-violent change in Delmar through the polls. Perhaps this change will occur more slowly, but its effects will be positive, not negative.

I do not know what has happened to Toni since we have come to the U.S. Toni used to respect me and admire me and would

never disobey me. After a few months in America, all Toni wants to do is watch television and go out with American friends, especially this Fran Mathews. I am concerned that Toni no longer wants to spend time with me. Families are a very important part of Delmarian culture. I am afraid that Toni is losing touch with his heritage.

In June of this past year, I went to California to visit business contacts I had made while at Georgetown. I hoped that they would be of use when I returned to Delmar. I wanted to take Toni along, but decided that time would be all Toni and Fran Mathews would have before we returned to Delmar. I didn't even ask him. While I was away, Toni stayed with his uncle. All of a sudden when I returned, Toni no longer wants to come back to Delmar. Prior to that time, Toni had never said anything to me about not returning

Although Toni had criticized the Delmarian government before, I had never heard anything about advocating its overthrow by violence. Toni used to be a peaceloving child; Toni has now been brainwashed by my brother Samuel. As he is my brother, I let Toni visit Samuel until I discovered he was interfering in my parental authority. Upon return from California, Samuel and I got into an argument about Delmar and I discovered that Samuel was filling Toni's mind with all sorts of misinformation. I am Toni's father and an internal dispute involving a family from another country should not be interfered with by my brother or the courts in the United States.

Toni will not be in danger when we return to Delmar. The Ambassador Gomar has told me this and I am a government official on good terms with the national government. I am certain Toni will not be harmed. It is true that Samuel's son, Oscar, was denied admission into the University, but Samuel was a leader of the N.P.F. and Oscar attended N.P.F. rallies. Toni has never taken any action against Delmar at home.

Daniel Lewis, Witness for the Respondents

My name is Daniel Lewis. I am 37 years old. I live at 622 Colony Drive, N.W., Washington, D.C.

I am a psychologist in private practice in Washington, D.C. My offices are located at 400 New Jersey Ave. N.W., Washington, D.C. I have been at my present position for five years. Prior to that I worked as a staff psychologist at Childrens Hospital. At Childrens I worked with the identification and treatment of abused and neglected children. I received a doctorate in Clinical Psychology from George Washington University. In addition I have a masters in Psychology from the University of Maryland and a bachelors degree in Sociology from Evergreen College.

On September 8, 1985 Edward Radcliffe contacted me regarding his son Toni. He retained my services for $2500 . For that sum, I met with Toni Radcliffe, Edward Radcliffe, and Samuel Noble and prepared a recommendation as to Toni Radcliffe's decision to seek asylum. Based on those meetings it is my opinion that it is in the best interest of Toni and the family unit as a whole for Toni to be returned to the care and custody of Edward Radcliffe.

Of primary concern is Toni's welfare and best interest. I am concerned that if Toni remains in the United States without Edward, Toni will not be in a stable and permanent environment. While Toni's Uncle Samuel has expressed an interest in adopting Toni when I spoke to him, and has adequate income to support him, Samuel leads a very busy life which requires him to spend a lot of time at the university. In Delmar, Toni would return to a

healthy family environment - a father, a mother and a younger sister. When asked about the family, Toni expressed a deep love for all of them, even Edward, and sadness at perhaps never being able to see them again. I conclude from this that there exists a solid family stucture for Toni to return to in Delmar.

I am worried that Toni is too confused and overwhelmed by what has occured to have made an intelligent decision to stay in the United States by himself. There has developed a bond of frienship between Toni and Samuel. Toni admires Samuel very much and has adopted him as a role-model. Samuel has been extremely influential, perhaps too much, in Toni's decision to stay in the United States.

It is not unusual for someone Toni's age to rebel against their parents. I see it everyday. Teenagers who won't obey their parents or who wear outlandish clothing simply to demonstrate their independence. This is a normal situation for many families and I believe that is what is occuring in this situation. Toni and Edward have strongly differing views about the government of Delmar which may prevent them from being close ever again. Toni's views are sincere and he seems to be very knowledgeable about the political situation in that country. Toni believes that he will be persecuted upon his return and I do not know if he is right about that. I do know that his father has an opposite opinion and in such a case, we should follow the adult parent's views and not the child's.

In addition, Toni has been in the United States for two years. This has been a dramatic change from Toni's life in

Delmar. It is not unusual for someone to be overwhelmed by such a drastic change in environments. Moreover, Toni has made many good friends in the United States and it is difficult to break away from these relationships. All of these factors have confused Toni and have, in my opinion, made it difficult to make a clear choice.

The parent child relationship between Toni and Edward has been strained since coming to America. Toni has experienced a great deal of freedom in the United States while at the same time Edward, as Toni's father, has had to establish limits and rules. This has created conflict. At the same time, Toni has identified with Samuel. I believe this is only a temporary situation and that if Toni returns with Edward to Delmar, Toni will be returning to a healthy family situation and should not experience any family hardships.

August 25, 1985

United States Dept. of State
2201 C St., N.W.
Washington, D.C. 20007

Dear sir:

I hate my country and its ruler. I believe in the violent overthrow of President Jordan's regime. I join other Delmarian freedom fighters in the United States in their effort to bring justice to my country. For now, I cannot return to Delmar. I love your country, the United States of America, and I want to stay here. Please help me.

Tom Radcliffe

UNITED STATES DEPARTMENT OF STATE

Bureau of Human Rights and Humanitarian Affairs

Advisory Opinion; Toni Radcliffe Petition

The State Department in compliance with the Refugee Act of 1980 recommends that the political asylum petition of Toni Radcliffe be denied. It is the Department's opinion that the current state of affairs in the country of Delmar would be favorable to the return of the applicant. Furthermore, there is indication in the present case, that internal family division is the primary motive for the asylum petition.

Our investigation into the current situation in the country of Delmar indicates that both the economic and political conditions have improved in Delmar in recent years. Most, if not all, political prisoners have been released from prison and arrests for security or political reasons have declined noticeably. Although the country maintains an authoritarian dictatorship the climate of repression has decreased visibly.

There is ample evidence that President Jordan is attempting to bring about successfully and equitably the return of some type of popular sovereignty. The Embassy of Delmar has assured the Department that returning nationals will not be mistreated. The Department has conducted three follow-up inquiries into the status of returned Delmarian nationals. In two of the cases, the deportees were doing well and had not been persecuted. In the third case, the returned national could not be located. The

National Patriotic Front claims that the missing national is being held in detention. Although none of the individuals involved in these cases had spoken out or written against the Delmarian government, in the third case the individual was a member of the National Patriotic Front.

Delmar faces an immense task of domestic improvemnt. The effort requires the talents of all able Delmarians. This is especially true of someone like Toni who has benefited from two years of education in the United States. We believe that under these circumstances Toni Radcliffe should return home.

PRESS STATEMENT OF AMBASSADOR GOMAR
REPUBLIC OF DELMAR
August 27, 1985

In response to questions from the American press regarding Delmarian citizen Toni Radcliffe's letter to the Washington Post, it is our position that the letter was written by a misguided youth who was temporarily under the influence of the National Patriotic Front revolutionary, Samuel Noble. Everything in the letter is false. I hope that Toni realizes that although still a youth and under an uncle's influence, Toni should refrain from making any further statements. This letter or other similar statements are violations of the Law of Delmar, and such actions subject one to possible prosecution upon return to Delmar.

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